UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

FENCE CREEK CATTLE COMPANY, an
Oregon Partnership; GAZELLE LAND AND
TIMBER, LLC, an Oregon Limited Liability
Company; KING WILLIAMS; and
MICHAEL G. SMITH   ORDER

          Plaintiffs,   Civil No. 06-1236-SU

      v.

UNTIED STATES FOREST SERVICE, an
agency of the United States; MARY
DEAGUERO, in her official capacity as
District Ranger, Eagle Cap-HCNRA District,
Wallowa-Whitman National Forest; and
BARBARA WALKER, in her official
capacity as District Ranger, Wallowa Valley
District, Wallowa-Whitman National Forest,

          Defendants.

HAGGERTY, Chief Judge:

      Magistrate Judge Sullivan referred to this court a Findings and Recommendation [32] in

this matter. The Findings and Recommendation recommends granting the defendants motion for

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summary judgment as to all plaintiffs except Fence Creek Cattle Company. Defendants filed

timely objections, and plaintiffs filed a response to those objections.

When a party objects to any portion of a Findings and Recommendation, the district court

must conduct a de novo review. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v.*

Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Here, the court has

performed a de novo review, evaluated the Findings and Recommendation, the objections, and

the entire record. The court rejects defendants first objection and agrees with Judge Sullivan's

finding that the powers of attorney executed by the Agars were sufficient to authorize Williams

and Smith to wind up the affairs of the partnership. Defendant's second objection is also rejected

because it presents a joinder request specifically disavowed in briefing before Judge Sullivan.

The court adopts the Findings and Recommendation [32]. Defendants' Motion for

Summary Judgment [18] is GRANTED with respect to plaintiffs Gazelle Land and Timber,

LLC, King Williams, and Michael G. Smith, and DENIED as to Fence Creek Cattle Company.

IT IS SO ORDERED.

DATED this __7__ day of January, 2008.

                                                          /s/ Ancer L. Haggerty
                                                          Ancer L. Haggerty
                                                          United States District Judge